

Pamela M. Egan, WSBA No. 54736
POTOMAC LAW GROUP PLLC
1905 7th Ave. W.
Seattle, WA 98119
Telephone: (415) 297-0132
Email: pegan@potomaclaw.com
Attorneys for Mark D. Waldron, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, an individual and
California resident, TIMUR
USMANOV, an individual and
Russian citizen,

Defendants.

Adv. Case No. 20-80031

**AMENDED TRUSTEE'S
REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
TRUSTEE'S MOTION TO
DISMISS THIRD-PARTY
COMPLAINT FOR MISJOINDER**

Mark D. Waldron, in his capacity as the duly appointed Chapter 7 Trustee,
by and through his attorneys, the Potomac Law Group PLLC, hereby submits his
*Amended Request for Judicial Notice in Support of the Trustee's Motion to
Dismiss Third-Party Complaint for Misjoinder*, filed herewith.

**AMENDED TRUSTEE'S REQ. FOR JUDICIAL
NOTICE ISO TRUSTEE'S MOTION
TO DISMISS THIRD-PARTY
COMPLAINT FOR MISJOINDER -- Page | 1**

1 Pursuant to Rule 201 of the Federal Rules of Evidence, the Trustee
2 respectfully requests that the Court take judicial notice of the documents listed
3 below.

4 **REQUESTS FOR JUDICIAL NOTICE OF DOCUMENTS**

5 1. *Class Action Complaint*, filed in the United States District for the
6 Eastern District of Washington (“District Court”) on December 16, 2020, Case
7 No. 2:20-cv-00464-SAB, ECF No. 1, attached hereto as **Exhibit 1**;

8 2. *Order Cancelling Status Conference; Striking Motions; Staying*
9 *Case*, filed in the District Court on August 1, 2022, Case No. 2:21-cv-00291-SAB,
10 ECF No. 56, attached hereto as **Exhibit 2**.

11 **ARGUMENT**

12 The foregoing documents fit squarely within the ambit of Rule 201, which
13 provides:

14 The Court may judicially notice a fact that is not subject to
15 reasonable dispute because it: . . . (2) can be accurately and readily
16 determined from sources whose accuracy cannot reasonably be
questions.

17 F.R.E. 201.

18 To determine the accuracy of the foregoing one need only review the docket
19 of the District Court.

20 “[I]t is standard for a court to take judicial notice of the existence of another
21 court’s opinion.” *Metropolitan Creditors' Trust v. Pricewaterhouse-coopers*,

22 **AMENDED** TRUSTEE’S REQ. FOR JUDICIAL
23 NOTICE ISO TRUSTEE’S MOTION
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1 *LLP*, 463 F. Supp. 2d 1193, 1197–98 (E.D. Wash. 2006) (citing *Cal. ex rel. RoNo*,
2 *LLC v. Altus Fin. S.A.*, 344 F.3d 920, 931 (9th Cir. 2003) and *Lee v. City of Los*
3 *Angeles*, 250 F.3d 668, 690 (9th Cir. 2001)).

4 **CONCLUSION**

5 Wherefore, the Plaintiff respectfully requests that the Court take judicial
6 notice of the foregoing documents and grant such other and further relief as the
7 Court deems equitable and just.

8 Dated: December 13, 2022

POTOMAC LAW GROUP PLLC

9
10 By: s/ Pamela M. Egan

Pamela M. Egan (WSBA No. 54736)

11 *Attorneys for Mark D. Waldron, Chapter 7*
12 *Trustee, Plaintiff*
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22 **AMENDED** TRUSTEE'S REQ. FOR JUDICIAL
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